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6 EPIC GAMES, INC.,
7 Plaintiff,
8 v.
9 APPLE INC.,
10 Defendant.

Case No. 20-cv-05640-YGR (TSH)

DISCOVERY ORDER

Re: Dkt. No. 1645

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12 In ECF No. 1641, the Court concluded that Apple had forfeited its claim of privilege over
13 Entries 2522 and 2525 because it disobeyed two orders to provide the documents in camera in a
14 manner that made clear what Apple's redactions were. In the joint discovery letter brief at ECF
15 No. 1645, Apple explains that its prior statement that the documents had been redacted was an
16 inadvertent error and that in fact the documents were withheld in full. Apple contends the Court
17 should reconsider its holding in light of this information and find the documents privileged. Epic
18 continues to maintain both documents are not privileged.

19 The Court appreciates the information that Apple has provided and agrees that
20 reconsideration is warranted. Accordingly, the Court **VACATES** its prior holding that Apple has
21 forfeited its privilege claim over these two documents. The Court **SUSTAINS** Apple's claim of
22 privilege as to Entries 2522 and 2525 and **OVERRULES** Epic's objections to the Special
23 Masters' privilege determinations. This order does not alter the Court's prior ruling concerning
24 the attachments.

IT IS SO ORDERED.

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26 Dated: June 17, 2025
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THOMAS S. HIXSON
United States Magistrate Judge